

LEYDIG, VOIT & MAYER, LTD.

TWO PRUDENTIAL PLAZA - SUITE 4900
CHICAGO, ILLINOIS 60601-6780

TELEPHONE: (312) 616-5600

FACSIMILE: (312) 616-5700

FACSIMILE TRANSMITTAL COVER SHEET

Date: December 27, 1994

Number of Pages
(including cover sheet): 12

Time:

From: Donald J. Silvert
Registration No. 37552

Our Reference: 0035.009/63435

Your Reference:

To: Examiner M. Woodward
Group 180
United States Patent and Trademark Office
Washington, D.C.FAX COPY
RECEIVED

DEC 27 1994

Facsimile: (703) 305-3014
Telephone:

PTO MALL 1

In re Appln. of: LUCIW et al.
Serial Number: 08/089,407 ✓
Filed: July 28, 1993
For: HIV IMMUNOASSAYS USING SYNTHETIC ENVELOPE POLYPEPTIDES (AS AMENDED)
Group Art Unit: 1813
Examiner: M. Woodward

A confirmation copy of the transmitted document will:

☒ Not be sent. This will be the only form of delivery of the transmitted document.☐ Be Sent Via First Class/Air Mail☐ Be Sent Via Overnight Courier

The information contained in this facsimile transmission is intended only for the use of the individual or entity named above and those properly entitled to access to the information and may contain information that is privileged, confidential, and/or exempt from disclosure under applicable law. If the reader of this transmission is not the intended recipient or an authorized agent of the intended recipient, you are hereby notified that any unauthorized distribution, dissemination, or duplication of this transmission is prohibited. If you have received this transmission in error, please immediately notify us by telephone or facsimile. Thank you.

**COMBINED DECLARATION AND POWER OF ATTORNEY
FOR UTILITY PATENT APPLICATION**

Attorney Docket No.

2300-0137

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name:

I BELIEVE I AM THE ORIGINAL, FIRST AND SOLE INVENTOR (if only one name is listed below) OR AN ORIGINAL, FIRST AND JOINT INVENTOR (if more than one name is listed below) OF THE SUBJECT MATTER WHICH IS CLAIMED AND FOR WHICH A PATENT IS SOUGHT ON THE INVENTION

ENTITLED: HUMAN IMMUNODEFICIENCY VIRUS (HIV) NUCLEOTIDE SEQUENCES,

RECOMBINANT POLYPEPTIDES, AND APPLICATIONS THEREOF

the specification of which:

(check ☐ is attached hereto;
one) ☒ was filed on 24 December 1987 as

Application Serial No. 138,894

and was amended on _____
(if applicable)

I HAVE REVIEWED AND UNDERSTAND THE CONTENTS OF THE ABOVE-IDENTIFIED SPECIFICATION, INCLUDING THE CLAIMS, AS AMENDED BY ANY AMENDMENT REFERRED TO ABOVE:

I ACKNOWLEDGE THE DUTY TO DISCLOSE INFORMATION WHICH IS MATERIAL TO THE EXAMINATION OF THIS APPLICATION IN ACCORDANCE WITH TITLE 37, CODE OF FEDERAL REGULATIONS, Sec. 1.56 (a) which states: "A duty of candor and good faith toward the Patent and Trademark Office rests on the inventor, on each attorney or agent who prepares or prosecutes the application and on every other individual who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application. All such individuals have a duty to disclose to the Office information they are aware of which is material to the examination of the application. Such information is material where there is a substantial likelihood that a reasonable examiner would consider it important in deciding whether to allow the application to issue as a patent. The duty is commensurate with the degree of involvement in the preparation or prosecution of the application.";

I do not know and do not believe the said invention was ever known or used in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to said application; that said invention was not in public use or on sale in the United States of America more than one year prior to said application; that said invention has not been patented or made the subject of an inventor's certificate issued before the date of said application in any country foreign to the United States of America on any application filed by me or my legal representatives or assigns more than twelve months prior to said application;

I hereby claim foreign priority benefits under Title 35, United States Code Sec. 119 and/or Sec. 365 of any foreign application(s) for patent or inventor's certificate as indicated below and have also identified below any foreign application for patent or inventor's certificate on this invention having a filing date before that of the application for patent or inventor's certificate on this invention having a filing date before that of the application on which priority is claimed:

The priority of the earliest application(s) (if any) filed within a year prior to this application is hereby claimed under 35 U.S.C. §119;

I hereby appoint the following attorneys and agent(s) to prosecute said application and to transact all business in the Patent and Trademark Office connected therewith and to file, prosecute and to transact all business in connection with international applications directed to said invention:

William H. Benz-Reg.No. 25,952	Ronald Craig Fish-Reg.No. 28,843
Thomas E. Ciotti-Reg.No. 21,013	Gladys H. Monroy-Reg.No. 32,430
Peter J. Dehlinger-Reg.No. 28,006	Kate H. Murashige-Reg.No. 29,959
Dianne E. Reed-Reg.No. 31,292	Robert P. Blackburn-Reg.No. 30,447
Grant D. Green-Reg. No. 31,259	Lisabeth Felix Murphy-Reg.No. 31,547

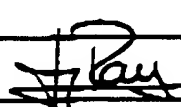
and:

Address all correspondence to:

Ciotti & Murashige, Irell & Manella
545 Middlefield Road, Suite 200
Menlo Park, California 94025

Address all telephone calls to: Robert P. Blackburn at 415-327-7250.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

FULL NAME OF SOLE OR FIRST INVENTOR		SIGNATURE	DATE
PAUL A. LUCIW			
RESIDENCE		CITIZENSHIP	
		U.S.A.	
POST OFFICE ADDRESS			
FULL NAME OF SECOND JOINT INVENTOR, IF ANY		SIGNATURE	DATE
DINO DINA			
RESIDENCE		CITIZENSHIP	
San Francisco, CA		Italy	
POST OFFICE ADDRESS			
1254 Washington Street, San Francisco, CA 94108			
FULL NAME OF THIRD JOINT INVENTOR, IF ANY		SIGNATURE	DATE
KATHELYN STEIMER			
RESIDENCE		CITIZENSHIP	
Benicia, California		U.S.A.	
POST OFFICE ADDRESS			
649 West "I" Street, Benicia, CA 94510			
FULL NAME OF FOURTH INVENTOR		SIGNATURE	DATE
RAY SANCHEZ PESCADOR			March 2, 1988
RESIDENCE		CITIZENSHIP	
Oakland, California		Mexico	
POST OFFICE ADDRESS			
5040 Daisy Street, Oakland, CA 94619			

☒ Please see attached continuation page for additional inventors.

COMBINED DECLARATION AND POWER OF ATTORNEY CONTINUATION PAGE FOR ADDITIONAL INVENTORS		Attorney Docket No. 2300-0137	
(This page <u>must</u> be attached to a completed Combined Declaration And Power Of Attorney <u>before</u> signing).			
FULL NAME OF FOURTH INVENTOR		SIGNATURE	
RESIDENCE		CITIZENSHIP	
POST OFFICE ADDRESS			
FULL NAME OF FIFTH JOINT INVENTOR, IF ANY / CARLOS GEORGE-NASCIMENTO		SIGNATURE <i>C. Nascimento</i>	
RESIDENCE Danville, CA		CITIZENSHIP Chile	
POST OFFICE ADDRESS 1907 S. Forest Hill, Danville, CA 94526			
FULL NAME OF SIXTH JOINT INVENTOR, IF ANY DEBORAH PARKES		SIGNATURE	
RESIDENCE		CITIZENSHIP U.S.A.	
POST OFFICE ADDRESS			
FULL NAME OF SEVENTH INVENTOR, IF ANY ROB HALLEWELL		SIGNATURE	
RESIDENCE San Francisco, CA		CITIZENSHIP Great Britain	
POST OFFICE ADDRESS 27 Priest Street, San Francisco, CA 94109			
FULL NAME OF EIGHTH JOINT INVENTOR, IF ANY PHILIP J. BARR		SIGNATURE	
RESIDENCE Oakland, California		CITIZENSHIP Great Britain	
POST OFFICE ADDRESS 67 Bayforrest Drive, Oakland, CA 94611			
FULL NAME OF NINTH JOINT INVENTOR, IF ANY MARTHA TRUETT		SIGNATURE <i>Martha Truett</i>	
RESIDENCE Oakland, CA		CITIZENSHIP U.S.A.	
POST OFFICE ADDRESS 9082 Broadway Terrace, Oakland, CA 94611			

**COMBINED DECLARATION AND POWER OF ATTORNEY
FOR UTILITY PATENT APPLICATION**

Attorney Docket No.

2300-0137

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name:

I BELIEVE I AM THE ORIGINAL, FIRST AND SOLE INVENTOR (if only one name is listed below) OR AN ORIGINAL, FIRST AND JOINT INVENTOR (if more than one name is listed below) OF THE SUBJECT MATTER WHICH IS CLAIMED AND FOR WHICH A PATENT IS SOUGHT ON THE INVENTION

ENTITLED: HUMAN IMMUNODEFICIENCY VIRUS (HIV) NUCLEOTIDE SEQUENCES,

RECOMBINANT POLYPEPTIDES, AND APPLICATIONS THEREOF

the specification of which:

(check one) ☐ is attached hereto;
☒ was filed on 24 December 1987 as

Application Serial No. 138,894

and was amended on _____
(if applicable)

I HAVE REVIEWED AND UNDERSTAND THE CONTENTS OF THE ABOVE-IDENTIFIED SPECIFICATION, INCLUDING THE CLAIMS, AS AMENDED BY ANY AMENDMENT REFERRED TO ABOVE:

I ACKNOWLEDGE THE DUTY TO DISCLOSE INFORMATION WHICH IS MATERIAL TO THE EXAMINATION OF THIS APPLICATION IN ACCORDANCE WITH TITLE 37, CODE OF FEDERAL REGULATIONS, Sec. 1.56 (a) which states: "A duty of candor and good faith toward the Patent and Trademark Office rests on the inventor, on each attorney or agent who prepares or prosecutes the application and on every other individual who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application. All such individuals have a duty to disclose to the Office information they are aware of which is material to the examination of the application. Such information is material where there is a substantial likelihood that a reasonable examiner would consider it important in deciding whether to allow the application to issue as a patent. The duty is commensurate with the degree of involvement in the preparation or prosecution of the application.";

I do not know and do not believe the said invention was ever known or used in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to said application; that said invention was not in public use or on sale in the United States of America more than one year prior to said application; that said invention has not been patented or made the subject of an inventor's certificate issued before the date of said application in any country foreign to the United States of America on any application filed by me or my legal representatives or assigns more than twelve months prior to said application;

I hereby claim foreign priority benefits under Title 35, United States Code Sec. 119 and/or Sec. 365 of any foreign application(s) for patent or inventor's certificate as indicated below and have also identified below any foreign application for patent or inventor's certificate on this invention having a filing date before that of the application for patent or inventor's certificate on this invention having a filing date before that of the application on which priority is claimed:

The priority of the earliest application(s) (if any) filed within a year prior to this application is hereby claimed under 35 U.S.C. §119;

I hereby appoint the following attorneys and agent(s) to prosecute said application and to transact all business in the Patent and Trademark Office connected therewith and to file, prosecute and to transact all business in connection with international applications directed to said invention:

William H. Benz-Reg.No. 25,952	Ronald Craig Fish-Reg.No. 28,843
Thomas E. Ciotti-Reg.No. 21,013	Gladys H. Monroy-Reg.No. 32,430
Peter J. Dehlinger-Reg.No. 28,006	Kate H. Murashige-Reg.No. 29,959
Dianne E. Reed-Reg.No. 31,292	Robert P. Blackburn-Reg.No. 30,447
Grant D. Green-Reg. No. 31,259	Lisabeth Feix Murphy-Reg.No. 31,547

and: _____

Address all correspondence to:

Ciotti & Murashige, Irell & Manella
545 Middlefield Road, Suite 200
Menlo Park, California 94025

Address all telephone calls to: Robert P. Blackburn at 415-327-7250.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

FULL NAME OF SOLE OR FIRST INVENTOR		SIGNATURE	DATE
PAUL A. LUCIW		<i>Paul A. Luciw</i>	2/23/88
RESIDENCE		CITIZENSHIP	
614 Sycamore Lane, #241, Davis, CA 95616		U.S.A.	
POST OFFICE ADDRESS			
FULL NAME OF SECOND JOINT INVENTOR, IF ANY		SIGNATURE	DATE
DINO DINA			
RESIDENCE		CITIZENSHIP	
San Francisco, CA		Italy	
POST OFFICE ADDRESS			
1254 Washington Street, San Francisco, CA 94108			
FULL NAME OF THIRD JOINT INVENTOR, IF ANY		SIGNATURE	DATE
KATHELYN STEIMER			
RESIDENCE		CITIZENSHIP	
El Cerrito, CA		U.S.A.	
POST OFFICE ADDRESS			
118 Ramona, El Cerrito, CA 94530			
FULL NAME OF FOURTH JOINT INVENTOR		SIGNATURE	DATE
RAY SANCHEZ PESCADOR			
RESIDENCE		CITIZENSHIP	
Oakland, CA		Mexico	
POST OFFICE ADDRESS			
7729 Crest Avenue, Oakland, CA 94605			

☒ Please see attached continuation page for additional inventors.

COMBINED DECLARATION AND POWER OF ATTORNEY CONTINUATION PAGE FOR ADDITIONAL INVENTORS		Attorney Docket No. 2300-0137	
(This page <u>must</u> be attached to a completed Combined Declaration And Power Of Attorney <u>before</u> signing).			
FULL NAME OF FOURTH INVENTOR		SIGNATURE	DATE
RESIDENCE		CITIZENSHIP	
POST OFFICE ADDRESS			
FULL NAME OF FIFTH JOINT INVENTOR, IF ANY CARLOS GEORGE-NASCIMENTO		SIGNATURE	DATE
RESIDENCE Danville, CA		CITIZENSHIP Chile	
POST OFFICE ADDRESS 1907 S. Forest Hill, Danville, CA 94526			
FULL NAME OF SIXTH JOINT INVENTOR, IF ANY DEBORAH PARKES		SIGNATURE <i>Deborah Parkes</i>	DATE 2/26/88
RESIDENCE Oakland, CA		CITIZENSHIP U.S.A.	
POST OFFICE ADDRESS 302 Euclid Avenue #104, Oakland, CA 94610			
FULL NAME OF SEVENTH JOINT INVENTOR, IF ANY ROB HALLEWELL		SIGNATURE	DATE
RESIDENCE San Francisco, CA		CITIZENSHIP Great Britain	
POST OFFICE ADDRESS 27 Priest Street, San Francisco, CA 94109			
FULL NAME OF EIGHTH JOINT INVENTOR, IF ANY PHILIP J. BARR		SIGNATURE	DATE
RESIDENCE Orinda, CA		CITIZENSHIP Great Britain	
POST OFFICE ADDRESS 73 Brookwood, #14, Orinda, CA 94563			
FULL NAME OF NINTH JOINT INVENTOR, IF ANY MARTHA TRUETT		SIGNATURE	DATE
RESIDENCE Oakland, CA		CITIZENSHIP U.S.A.	
POST OFFICE ADDRESS 9082 Broadway Terrace, Oakland, CA 94611			

**COMBINED DECLARATION AND POWER OF ATTORNEY
FOR UTILITY PATENT APPLICATION**

Attorney Docket No.

2300-0137

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name:

I BELIEVE I AM THE ORIGINAL, FIRST AND SOLE INVENTOR (if only one name is listed below) OR AN ORIGINAL, FIRST AND JOINT INVENTOR (if more than one name is listed below) OF THE SUBJECT MATTER WHICH IS CLAIMED AND FOR WHICH A PATENT IS SOUGHT ON THE INVENTION

ENTITLED: HUMAN IMMUNODEFICIENCY VIRUS (HIV) NUCLEOTIDE SEQUENCES,

RECOMBINANT POLYPEPTIDES, AND APPLICATIONS THEREOF

the specification of which:

(check ☐ is attached hereto;
one) ☒ was filed on

24 December 1987

as

Application Serial No. 138,894

and was amended on _____

(if applicable)

I HAVE REVIEWED AND UNDERSTAND THE CONTENTS OF THE ABOVE-IDENTIFIED SPECIFICATION, INCLUDING THE CLAIMS, AS AMENDED BY ANY AMENDMENT REFERRED TO ABOVE:

I ACKNOWLEDGE THE DUTY TO DISCLOSE INFORMATION WHICH IS MATERIAL TO THE EXAMINATION OF THIS APPLICATION IN ACCORDANCE WITH TITLE 37, CODE OF FEDERAL REGULATIONS, Sec. 1.56 (a) which states: "A duty of candor and good faith toward the Patent and Trademark Office rests on the inventor, on each attorney or agent who prepares or prosecutes the application and on every other individual who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application. All such individuals have a duty to disclose to the Office information they are aware of which is material to the examination of the application. Such information is material where there is a substantial likelihood that a reasonable examiner would consider it important in deciding whether to allow the application to issue as a patent. The duty is commensurate with the degree of involvement in the preparation or prosecution of the application.";

I do not know and do not believe the said invention was ever known or used in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to said application; that said invention was not in public use or on sale in the United States of America more than one year prior to said application; that said invention has not been patented or made the subject of an inventor's certificate issued before the date of said application in any country foreign to the United States of America on any application filed by me or my legal representatives or assigns more than twelve months prior to said application;

I hereby claim foreign priority benefits under Title 35, United States Code Sec. 119 and/or Sec. 365 of any foreign application(s) for patent or inventor's certificate as indicated below and have also identified below any foreign application for patent or inventor's certificate on this invention having a filing date before that of the application for patent or inventor's certificate on this invention having a filing date before that of the application on which priority is claimed:

The priority of the earliest application(s) (if any) filed within a year prior to this application is hereby claimed under 35 U.S.C. §119;

I hereby appoint the following attorneys and agent(s) to prosecute said application and to transact all business in the Patent and Trademark Office connected therewith and to file, prosecute and to transact all business in connection with international applications directed to said invention:

William H. Benz-Reg.No. 25,952	Ronald Craig Fish-Reg.No. 28,843
Thomas E. Ciotti-Reg.No. 21,013	Gladys H. Monroy-Reg.No. 32,430
Peter J. Dehlinger-Reg.No. 28,006	Kate H. Murashige-Reg.No. 29,959
Dianne E. Reed-Reg.No. 31,292	Robert P. Blackburn-Reg.No. 30,447
Grant D. Green-Reg. No. 31,259	Lisabeth Feix Murphy-Reg.No. 31,547

and:

Address all correspondence to:

Ciotti & Murashige, Irell & Manella
545 Middlefield Road, Suite 200
Menlo Park, California 94025

Address all telephone calls to: Robert P. Blackburn at 415-327-7250.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

FULL NAME OF SOLE OR FIRST INVENTOR		SIGNATURE		DATE
PAUL A. LUCIW				
RESIDENCE			CITIZENSHIP	
			U.S.A.	
POST OFFICE ADDRESS				
FULL NAME OF SECOND JOINT INVENTOR, IF ANY		SIGNATURE		DATE
DINO DINA		<i>Dino Dina</i>		3/3/88
RESIDENCE			CITIZENSHIP	
San Francisco, CA			Italy	
POST OFFICE ADDRESS				
1254 Washington Street, San Francisco, CA 94108				
FULL NAME OF THIRD JOINT INVENTOR, IF ANY		SIGNATURE		DATE
KATHELYN STEIMER		<i>Kathelyn Lee Steimer</i>		3/10/88
RESIDENCE			CITIZENSHIP	
Benicia, California			U.S.A.	
POST OFFICE ADDRESS				
649 West "I" Street, Benicia, CA 94510				
FULL NAME OF FOURTH INVENTOR		SIGNATURE		DATE
RAY SANCHEZ PESCADOR				
RESIDENCE			CITIZENSHIP	
Oakland, California			Mexico	
POST OFFICE ADDRESS				
5040 Daisy Street, Oakland, CA 94619				

☒ Please see attached continuation page for additional inventors.

COMBINED DECLARATION AND POWER OF ATTORNEY CONTINUATION PAGE FOR ADDITIONAL INVENTORS		Attorney Docket No. 2300-0137	
(This page <u>must</u> be attached to a completed Combined Declaration And Power Of Attorney <u>before</u> signing).			
FULL NAME OF FOURTH INVENTOR		SIGNATURE	DATE
RESIDENCE		CITIZENSHIP	
POST OFFICE ADDRESS			
FULL NAME OF FIFTH JOINT INVENTOR, IF ANY / CARLOS GEORGE-NASCIMENTO		SIGNATURE	DATE
RESIDENCE Danville, CA		CITIZENSHIP Chile	
POST OFFICE ADDRESS 1907 S. Forest Hill, Danville, CA 94526			
FULL NAME OF SIXTH JOINT INVENTOR, IF ANY DEBORAH PARKES		SIGNATURE	DATE
RESIDENCE		CITIZENSHIP U.S.A.	
POST OFFICE ADDRESS			
FULL NAME OF SEVENTH JOINT INVENTOR, IF ANY ROB HALLEWELL		SIGNATURE <i>Robert A. Halliwell</i>	DATE 3-10-88
RESIDENCE San Francisco, CA		CITIZENSHIP Great Britain	
POST OFFICE ADDRESS 27 Priest Street, San Francisco, CA 94109			
FULL NAME OF EIGHTH JOINT INVENTOR, IF ANY PHILIP J. BARR		SIGNATURE <i>Philip J. Barr</i>	DATE 3.10.98
RESIDENCE Oakland, California		CITIZENSHIP Great Britain	
POST OFFICE ADDRESS 67 Bayforrest Drive, Oakland, CA 94611			
FULL NAME OF NINTH JOINT INVENTOR, IF ANY MARTHA TRUETT		SIGNATURE	DATE
RESIDENCE Oakland, CA		CITIZENSHIP U.S.A.	
POST OFFICE ADDRESS 9082 Broadway Terrace, Oakland, CA 94611			